

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GreenHouse International, LLC

Plaintiff,

v.

Moulton Logistics Management, Inc.

Defendant.

C.A. No. 1:07-cv-00722-GMS-LPS

JURY TRIAL DEMANDED

PLAINTIFF'S NOTICE OF NEW SUPPLEMENTAL AUTHORITY

Plaintiff GreenHouse International, LLC (“GreenHouse”) hereby supplements the briefs relating to Moulton’s Motion to Stay (D.I.. 5) and GreenHouse’s Motion to Enjoin (D.I. 8).

On Wednesday, March 12, 2008, the Superior Court for the State of California, in a concurrent copending case between the parties involving the issues here, entered judgment denying Moulton’s petition to compel arbitration. The judgment is attached hereto as Exhibit A. The California Superior Court held that “that the Delaware Federal Action seeks injunctive relief and therefore the subject matter of the Delaware Federal Action is exempt from arbitration.”

GreenHouse respectfully suggests that the Court may consider this new information in determining the pending motions.

Respectfully Submitted,

DATE: March 14, 2008

WOMBLE CARLYLE SANDRIDGE &
RICE, PLLC

/s/ James M. Lennon

George Pazuniak (#478)
James M. Lennon (# 4570)
Anna Martina Tyreus (# 4771)
222 Delaware Avenue, Suite 1501
Wilmington, DE 19801

*Attorneys for Plaintiff,
GreenHouse International, LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2008, a copy of the foregoing notice and exhibit was electronically filed with the Clerk of the Court using CM/ECF and served on the following in the manner indicated :

VIA CM/ECF ELECTRONIC DELIVERY

Joseph James Bellew
Cozen & O'Connor
Chase Manhattan Centre
1201 North Market St., Suite 1400
Wilmington, DE 19801

This 14th day of March, 2008.

/s/ James M. Lennon

James M. Lennon (DE # 4570)

EXHIBIT A

1 (SPACE BELOW FOR FILING STAMP ONLY)

2 ORIGINAL FILED

3 Los Angeles Superior Court

4 MAR 12 2008

5 Jennifer Sipera, Clerk
6 By Kenneth Sipera, Deputy

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, NORTHWEST DISTRICT

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11 MOULTON LOGISTICS MANAGEMENT, INC.) CASE NO. LC080008
12 Petitioner/Defendant,) Hon. James A. Kaddo, Dept. I
13) [PROPOSED] JUDGMENT
14 v.)
15 GREENHOUSE INTERNATIONAL, LLC,)
16 Respondent/Plaintiff.)

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19 Petitioner Moulton Logistics Management, Inc., ("Moulton") petitioned this Court to stay
20 an action brought by Respondent Greenhouse International, LLC ("Greenhouse") in the United
21 States District Court for the District of Delaware ("the Delaware Federal Action") and order the
22 parties to arbitrate the subject of the Delaware Federal Action pursuant to the arbitration clause of
23 a fulfillment services agreement between the parties ("the Parties' Agreement"). Both the
24 complaint in the Delaware Federal Action and the Parties' Agreement are attached to the Petition.

25 The Court heard Petitioner's motion to stay and compel arbitration on February 20, 2008.
26 The Court denied the motion. The Court finds that the Delaware Federal Action seeks injunctive
27 relief and therefore the subject matter of the Delaware Federal Action is exempt from arbitration.

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1 **IT IS HEREBY ORDERED** that judgment in this action is entered in favor of
2 Respondent Greenhouse International LLC, and against Petitioner Moulton Logistics Management,
3 Inc.

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5 DATED: MAR 12 2008

JAMES A. KADDO

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Hon. James A. Kaddo
JUDGE OF THE SUPERIOR COURT

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